

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

UNITED STATES OF AMERICA

v.

RODNEY EDWARD STEWART,

Defendant.

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Case No. 1:06CR00046

FINAL ORDER

By: James P. Jones
United States District Judge

For the reasons set forth in the Opinion accompanying this Final Order, it is
ORDERED as follows:

1. The defendant's Motion to Expand the Record (ECF No. 140) is GRANTED to the extent that the state court records submitted by the parties are hereby deemed part of the record;

2. The defendant's Motion for a Hearing (ECF No. 126) is DENIED; the government's Motion to Dismiss (ECF No. 121) is GRANTED; and the Motion Under 28 U.S.C. § 2255 (ECF No. 114) is DENIED; and

3. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is DENIED.

ENTER: October 3, 2011

/s/ James P. Jones
United States District Judge